REMARKS

Claim Rejections – 35 U.S.C. §102

Claims 1-60 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Tamayo *et al.* (U.S. Patent Application No. 2002/0083067). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As will be shown below, Tamayo does not disclose:

- identifying a business problem to be solved;

- selecting a data mining algorithm appropriate for solving the business problem;

- defining data schema for use as inputs and outputs to and from the mining algorithm, the data schema including input data schema and output data schema;

- defining a data mining model dependent upon the data schema, defining a data mining model resulting in the creation of a predefined data mining model; or

- whereby a domain-specific analytic application is developed, the analytic application having at least one predefined data mining model.

Because Tamayo does not teach each and every element of claims 1-60, does not present an enabling disclosure of the elements of the claims, and cannot without hindsight be said to teach the elements of the claims, the rejections therefore should be withdrawn, and the claims should be allowed. For these reasons, applicants respectfully traverse each rejection and request reconsideration of claims 1-60.

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Inc rporati n of Arguments from the Applicants'
Response to Office Action of June 16, 2003

Claims 1-60 were rejected in an earlier Office Action dated June 16, 2003. In their
Response to that earlier Office Action, Applicants set forth arguments in favor of
allowance of the claims. Applicants respectfully incorporate in this Response to the
Office Action of November 4, 2003, all their arguments from the earlier Response as if
those arguments were fully set forth herein. Those arguments include the following in
summary:

- The mere fact that Tamayo at [0059] contains the word 'problems' is in no way
  an enabling description of "identifying a business problem to be solved" as
  claimed and enabled in the present application. Even hindsight cannot turn the
  mere mention of 'problems' into an enabling description of the subject claim
  element.

- Tamayo at [0059] states that the generic clustering paradigm "is used for data-
  reduction and for class discovery," thereby describing common, prior-art internal
  steps of data mining having nothing to do with selecting a particular algorithm for
  a particular business problem and therefore is not an enabling description of
  "selecting a data mining algorithm appropriate for solving the business problem."

- What Tamayo describes at [0059] amounts to a mere declaration that data mining
  algorithms utilize input datasets, characterizing most of the datasets on most of
  the computers in the world. Tamayo at [0059] in fact presents no hint of an
  enabling disclosure of the subject claim element, "defining data schema for use as
  inputs and outputs to and from the mining algorithm, the data schema including
  input data schema and output data schema."

- Tamayo at [0094], to the extent that it discusses data mining models, is once again
  a generic description of many data mining systems, most of which certainly

3

include untrained data mining models, trained data mining models, and deployed
data mining models. And again, none of this wording from Tamayo at [0094]
presents any resemblance whatsoever of an enabling description of "defining a
data mining model dependent upon the data schema, defining a data mining
model resulting in the creation of a predefined data mining model" as claimed and
taught in the present application.

A Domain-Specific Analytic Application

The Examiner in the Office Action of November 4, 2003, stated regarding claim 1 that,
"Tamayo teaches a method of developing a domain-specific analytic application having
at least one predefined data mining model, comprising the steps of:

- 'identifying a business problem to be solved' at page 5, [0059];

- 'selecting a data mining algorithm appropriate for solving the business problem'
  at page 5, [0059];

- 'defining data schema for use as inputs and outputs to and from the mining
  algorithm, the data schema including input data schema and output data schema'
  at page 5, [0059] and page 6, [0072];

- 'defining a data mining model dependent upon the data schema, defining a data
  mining model resulting in the creation of a predefined data mining model' at page
  7-8, [0088] and [0094];

- 'whereby a domain-specific analytic application is developed, the analytic
  application having at least one predefined data mining model' at page 7-8, [0094]
  and Fig. 10."

Identifying A Business Problem To Be Solved and Selecting A Data Mining Algorithm Appropriate For Solving The Business Problem

The Examiner in the Office Action of November 4, 2003, stated regarding claim 1 that Tamayo teaches at page 5, paragraph [0059], a method of developing a "domain-specific analytic application" having at least one predefined data mining model, including "identifying a business problem to be solved" and "selecting a data mining algorithm appropriate for solving the business problem." Applicants respectfully respond that paragraph [0059] is a discussion of three data mining 'paradigms,' supervised learning, association analysis, and clustering. Paragraph [0059] recites a laundry list of business problems, but paragraph [0059] makes no mention of "domain-specific analytic applications," of "identifying a business problem to be solved" to develop a domain-specific analytic application, much less "selecting a data mining algorithm appropriate for solving the business problem" as claimed in claim 1 of the present application. As such, Tamayo cannot possibly anticipate claim 1.

Moreover, Tamayo discloses web data mining and is directed only to a single problem. In stark contrast, Applicant claims a method of developing a domain-specific analytic application, that is, an application or analytic application directed to one domain among many. Applicants' invention as claimed in claim 1 is domain-specific in that it has the capability of developing applications for many domains, one domain at a time. Tamayo does not disclose any ability to cut across domains. The notion of domain specificity is not in Tamayo in any way, shape, or form. Tamayo is purely a discussion of data mining for enterprise web e-commerce applications and nothing else.

Defining Data Schema For Use As Inputs And Outputs

The Examiner in the Office Action of November 4, 2003, stated regarding claim 1 that Tamayo teaches at page 5, paragraph [0059], and at page 6, paragraph [0072], a method of developing a "domain-specific analytic application" having at least one predefined

data mining model, including "defining data schema for use as inputs and outputs to and from the mining algorithm, the data schema including input data schema and output data schema." Applicants respectfully respond that paragraph [0072] teaches neither a domain-specific analytic application nor defining data schema for use as inputs and outputs because paragraph [0072] is a discussion of storing visitor activity of a visitor at a web site for use in building a mining model for an enterprise web application. Paragraph [0059] describes an input dataset as a "large, mostly populated two-dimensional table," but paragraph [0059] make no mention of defining data schema to develop a domain-specific analytic application as claimed in claim 1 of the present application. Again, Applicants argue with respect that domain specificity simply is not disclosed in Tamayo in any way, shape, or form. Tamayo is purely a discussion of data mining for enterprise web e-commerce applications and nothing else.

Defining A Data Mining Model Dependent Upon The Data Schema

The Examiner in the Office Action of November 4, 2003, stated regarding claim 1 that Tamayo teaches at page 7-8, paragraphs [0088] and [0094], a method of developing a "domain-specific analytic application" having at least one predefined data mining model, including "defining a data mining model dependent upon the data schema." Applicants respectfully respond that paragraph [0088] teaches neither a domain-specific analytic application nor defining a data mining model dependent upon the data schema. Instead, paragraph [0088] is a discussion of a data preprocessing engine which extracts data from web logs and other corporate information sources and transforms it into a form suitable for transaction based data mining in enterprise web mining. Paragraph [0094] describes a methodological and technical framework for enterprise web mining, with no mention of developing a domain-specific analytic application or defining a data mining model dependent upon data schema as claimed in claim 1 of the present application. Again, Applicants argue with respect that domain specificity simply does not exist in Tamayo at all. Tamayo is purely a discussion of data mining for enterprise web e-commerce applications and nothing else.

Whereby A Domain-Specific Analytic Application Is Developed

The Examiner in the Office Action of November 4, 2003, stated regarding claim 1 that
Tamayo teaches at page 7-8, paragraph [0094], and in Figure 10, a method "whereby a
domain-specific analytic application is developed, the analytic application having at least
one predefined data mining model." Applicants respectfully respond that paragraph
[0094] describes a methodological and technical framework for enterprise web mining,
making no mention of developing a domain-specific analytic application as claimed in
claim 1 of the present application. Again, Applicants argue with respect that domain
specificity simply is not disclosed by Tamayo. Tamayo is purely a discussion of data
mining for enterprise web e-commerce applications and nothing else.

Claims 2-20, 21-40, and 41-60

Claims 2 – 20 depend from claim 1. If claim 1 stands, then claims 2-20 stand also. As
explained in detail above in this Response, claim 1 stands because Tamayo does not teach
each and every element of claim 1, does not present an enabling disclosure of the
elements of claim 1, and cannot without hindsight be said to teach the elements of claim
1. Because claim 1 stands, claims 2-20 stand also. The rejections of claims 2-20
therefore should be withdrawn, and the claims should be allowed. Applicants therefore
request reconsideration of claims 1-20.

As noted by the Examiner, claims 21-40 recite "a system" comprising means similar to
the methods of claims 1-20. Claims 21-40 are rejected by the Examiner according to the
same rationale as stated in the Office Action for the rejections of claims 1-20. Applicants
have demonstrated above, however, that claims 1-20 should stand. Applicants
respectfully propose, therefore, that the rejections of claims 21-40 should be withdrawn,
and claims 21-40 should be allowed. Applicants request reconsideration of claims 21-40.

As noted by the Examiner, claims 41-60 recite "a computer program product" comprising
means similar to the methods of claims 1-20. Claims 41-60 are rejected by the Examiner

according to the same rationale as stated in the Office Action for the rejections of claims 1-20. Applicants have demonstrated above, however, that claims 1-20 should stand. Applicants respectfully propose, therefore, that the rejections of claims 41-60 should be withdrawn, and claims 41-60 should be allowed. Applicants request reconsideration of claims 41-60.
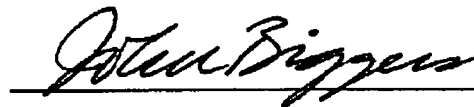
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Conclusi n

Applicant respectfully proposes that the case, as previously amended and in view of the reasoning provided in this Response, is in condition for allowance. An early Notice of Allowance is respectfully requested.

Should the Examiner have any need to contact applicants at any time, the Examiner is invited to phone the applicants' attorney, John Biggers, at 512-472-9881 at any time to discuss the claims and insure the case is in condition for allowance.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

Date: _12-09-03_   By: _____

John R. Biggers
Reg. No. 44,537
Biggers & Ohanian, PLLC
504 Lavaca Street, Suite 970
Austin, Texas 78701
Tel. (512) 472-9881
Fax (512) 472-9887
ATTORNEY FOR APPLICANTS

9